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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,680	07/03/2001	Hisayoshi Fujimoto	10921.96USWO	8547
7590	08/24/2004		EXAMINER	
Douglas P Mueller Merchant & Gould 3200 IDS Center 80 South 8th Street Minneapolis, MN 55402-2215			TRUONG, BAO Q	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/869,680	FUJIMOTO ET AL.
	Examiner	Art Unit
	Bao Q. Truong	2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 July 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4 and 8-17 is/are rejected.
 7) Claim(s) 3 and 5-7 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 03 July 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 3 July 2001.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 2 is objected to because of the following informalities: the phrase "weaker light emitting elements" is unclear. The term "weaker" is not defined by the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4 and 8-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagane et al. [US 5,313,289].

Regarding claims 1 and 11, Nagane et al. discloses a linear light source having an insulating substrate [106], a plurality of light emitting elements [107], a wiring pattern [111, 110] formed on the substrate [106] for dividing the plurality of light emitting elements [108a] into a plurality of groups, a first and second terminals [top right], and a

plurality intervals [l , and a space larger than l adjacent resistor 109] (figure 8, column 1 lines 50-68, column 2 lines 1-5).

Regarding claim 2, Nagane et al. discloses the interval [l] between weaker light emitting elements [107] being shorter than the interval [space adjacent resistor 109] between brighter light emitting elements [under resistor 109] (figure 8).

Regarding claim 4, Nagane et al. discloses each of the plurality of groups including at least two light emitting elements (figure 8).

Regarding claims 8 and 12, Nagane et al. discloses a first wiring pattern portion [111], a second wiring pattern portion [110], and a plurality of light emitting elements [107] being arranged between them (figure 8).

Regarding claims 9 and 16, Nagane et al. discloses a plurality of photoelectric converters (column 1 line 45).

Regarding claims 10 and 17, Nagane et al. discloses an image reading apparatus having a case [8f], a transparent plate [8a], an image forming lens [50], a linear light source including an insulating substrate [106], a plurality of light emitting elements [107], a wiring pattern [111, 110] formed on the substrate [106] for dividing the plurality of light emitting elements [108a] into a plurality of groups, a first and second terminals [top right], and a plurality intervals [l , and a space larger than l adjacent resistor 109] (figure 8-10, column 1 lines 50-68, column 2 lines 1-5, column 9 lines 12-62).

Regarding claim 13, Nagane et al. discloses the first and second terminals being arranged at one end of the substrate [106] (figure 8).

Regarding claim 14, Nagane et al. discloses the substrate [106] including an intermediate portion located between a first end [right top] and a second end [right bottom], and the terminals disposed at the intermediate portion (figure 8).

Regarding claim 15, Nagane et al. discloses the plurality of light emitting elements [107] being arranged at substantially equal intervals [I] (figure 8).

Allowable Subject Matter

5. Claims 3 and 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 3, the interval between the light emitting elements of a group corresponding to a shorter current path is narrower than the interval between the light emitting elements of another group corresponding to a longer current path.

Claim 5, the plurality intervals becomes gradually narrower in one direction.

Claim 6, the plurality intervals becomes gradually narrower from the intermediate portion of the substrate toward the both ends.

Claim 7 is dependent on 6.

The limitations discussed above are neither disclosed nor suggested by the prior art of record.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Imamura [US 5,283,425] discloses a light emitting element array for image reading.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (7:00 AM - 3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BQT

Bao Q. Truong
Examiner
Art Unit 2875

THOMAS M. SEMBER
PRIMARY EXAMINER